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J. Davis

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Thomas Dault

EXAMINATION

OF A LETTER,

TO THE

RIGHT HONORABLE THE EARL OF LIVERPOOL, K. G.

FIRST LORD COMMISSIONER OF THE TREASURY,

IN RELATION TO THE RIGHTS

OF THE

CHURCH OF SCOTLAND,

IN NORTH AMERICA.

AND A

PROTESTANT CHURCH OF SCOTLAND.

AS APPEARED IN EXPOSURE,

THE MALICE DETECTED,

BY A LAYMAN.

ESTABLISHED CHURCH OF ENGLAND.

AND

1800. M. D.

PRINTED BY ROBERT STANTON,

AND

July 7, 1825.

Handwritten signature or text at the top left.

A A BRIEF EXAMINATION,

&c. &c.

AMONG the literary curiosities that have emanated from the Press of U. Canada, the "Letter of a Protestant of the Church of Scotland," addressed to the Earl of Liverpool, is unquestionably the greatest.

Who the Author of this production is, I believe is not generally known, and truly he will manifest some prudence by retaining his anonymous character, since he will unquestionably find out, if he has not already made the discovery, that should he avow himself, he would be likely to reap any thing but honor, as the fruit of his labors; and that he may not remain one moment uninformed of the truth of this assertion, I recommend him forthwith to inquire, of the Reverend, sagacious, and disinterested Gentleman, under whose immediate superintendence, *the thing*, he has written, was printed, *how it takes?*

Unwilling as I am, to add to the mortification, with which he will doubtless be overwhelmed, at being told by his trusty ally, that it would have been far better for his own fame, and the credit of his friends, as well as the interests of the Kirk, had

he never engaged in a controversy, the merits of which he plainly did not understand—that in endeavouring to establish a disputed right, he has proved nothing clearly, but that he is both ignorant and malignant; and that others, being unfortunately identified with him, in his ill-timed, and ill-advised efforts, he has brought on them, a portion of the odium and contempt, which must ever attach to himself. Yet I am induced to employ a leisure hour, in pointing out a few, of the many absurdities, and proofs of malignancy, with which his Letter abounds, by way proving to him, and every body else, that has any doubt upon the subject, that this character of his work, is perfectly just and warranted. And to begin with the absurdities.

1st.—This sage and very learned Author fills the first six pages of his Epistle, with proofs from Robertson's History of Charles 5th—the Act of Union of England and Scotland, &c. *that the members of the Kirk of Scotland, ARE PROTESTANTS!!* Wonderful discovery! Doubtless the noble Lord, to whom he has communicated this important information, will be overwhelmed with gratitude, towards his generous and disinterested instructor—that he will not only, not hesitate to recommend the allowance of all that is asked for by the Kirk in Canada, but in the excess of his

joy at being enlightened, on so important a subject, will use his utmost efforts, to procure for his benefactor, a grant, of at least one seventh of the remaining unconceded lands of the Crown, in this Province.

2d.—In order to prove, that the Kirk of Scotland is as much the established Church in Canada, as is the established Church of England, the Act of Union of England, and Scotland is quoted, by which it appears, that it is enacted, that, "*Presbyterian Church government, shall be the only government of the Church, WITHIN THE KINGDOM OF SCOTLAND.*"

3d.—To show that the Clergy of the established Church of England, have no exclusive right, to the Clergy Reserves in Canada, the Act of the Imperial Parliament, 31st Geo. 3d. chap. 31, is cited, by which it appears, that these reserves were specially set apart for the endowment of Rectories, and Parsonages, to which, Clergymen of the Church of England, can alone be appointed, and that the King himself, is distinctly prohibited, by the said Act, from appropriating them to any other use.

4th.—The words *A Protestant Clergy* in the Act last cited, are stated to signify two bodies of

Protestant Clergy, viz: those of the established Church of England; and those of the established Church of Scotland, although not the slightest allusion is made throughout the Act, to any Clergy, but those of the Church of England.

5th.—To support the last mentioned inference, an extract is given, from the Speech of Mr. Fox, delivered in the House of Commons, from which it appears, that, that distinguished Gentleman, said, that by the words Protestant Clergy, used in the Bill, he supposed to be understood, not only the Clergy of the Church of England, but ALL descriptions of Protestants.

6th.—Further to support the said inference, and that Mr. Dundas drew *two* of the clauses of the Bill, an extract is given from his Speech, delivered on the same occasion with Mr. Fox's, from which it appears that "he (Mr. Dundas) gave an historical detail, of the mode of proceeding, by which the Clergy of the Church, in *Scotland*, were supported," which mode he represents, as being entirely different from the plan proposed, for supporting a Protestant Clergy in *Canada*, and makes no allusion whatever, to any intention on the part of Government, to make provision in the Bill, for any Clergy, but those of the established Church of England, although himself, a member of the Kirk, and a minister of the Crown.

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7th.—With a view of suffering no doubt to arise, as to the justness of the aforesaid inference, no mention whatever is made of the Speech of Mr. Pitt, the avowed author of the Bill, and consequently the person, who could most truly explain, the object of its different provisions. Why notice of this important Speech was omitted, will probably be best understood by a perusal of it—it is as follows :

“Mr. Chancellor Pitt said, that he first gave the Governor, and Council, a power, under the instructions of His Majesty, to distribute out of a sum, arising from the tythes for Lands or possessions, and set apart for the maintenance and support of Protestant Clergy, in order to give them a competent income, and the second clause, he said, provided for the permanent support of the Protestant Clergy, a seventh of the lands to be granted in future. *He declared that the meaning of the Act was to enable the Governor, to endow and to present, the Protestant Clergy OF THE ESTABLISHED CHURCH, to such parsonage, or rectory, as might be constituted, or erected, within every township or parish, which now was, or might be formed, and to give to such Protestant Clergymen, of OF THE ESTABLISHED CHURCH, a part, or the whole, as the Governor thought proper, of the lands appropriated by the Act. He further ex-*

plained, that this was done, to encourage THE ESTABLISHED CHURCH, and that probably hereafter it might be proposed, to send a Bishop of the established Church, to sit in the Legislative Council."

8th.—Because the Clergy of the Kirk of Scotland, are said to be, not specially *excluded* from a share of the Clergy Reserves, it is contended that they must be considered as *included*, among those, for whose benefit they are set apart.

9th.—Although it is shewn to be enacted, that the appropriation of the Reserves, to the exclusive use, of such of the Clergy of the established Church of England, as are presented to Parsonages or Rectories, cannot be changed, by any Act of the Colonial Legislature, even with the assent of the King, if disapproved of by *either* House of Parliament, it is contended, that the Clergy of the Church of England, have no exclusive right, to the revenues arising from them.

10th.—It being enacted by the 4th article of the Union of England and Scotland, that all the subjects of the United Kingdom of Great Britain, shall, from and after the said Union, enjoy a communication, of all rights, and privileges, and advantages, which do, or may belong, to the subjects of either Kingdom, within the said United

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- * Kingdom, and the dominions and plantations thereunto belonging, *except where it is otherwise expressly agreed in these articles*,—it is therefore contended, that the Clergy of the Kirk of Scotland, have a *birth right* claim, to a *part* of the profit of the Clergy Reserves in Canada, although it appears, from one of the said articles, that the rights of the Kirk, are, *expressly restricted to the Kingdom of Scotland*.

I apprehend that it will not be considered necessary, that I should add to the preceding list of absurdities, to prove the ignorance of the person, who has undertaken to prove the *right*, of the Ministers of the Kirk of Scotland, to a portion of the revenues arising from the Clergy Reserves in Canada; and I feel quite confident that the truly respectable, and exemplary Clergy, of the established Church of England, residing in these Provinces, can feel in no degree affected, by the false representations and scurrilous invectives, of a writer, who has proved himself, so destitute of understanding, discretion, and even decency.

It is therefore with no intention, to defend them, that I continue my examination of this persons Pamphlet, but chiefly with a view, of drawing the attention of *such* of the Ministers of the Kirk, as had no share, in promoting a publication, abounding throughout, with vulgar abuse of, and untrue

statements, relative to a body of their fellow Christians, and fellow labourers, in the work of Religion—a publication, which from its contents, it is fair to presume, was undertaken, as much with a design, to excite unfriendly feelings, among men, who from every principle of duty, and convenience, ought to cultivate, an harmonious, and affectionate understanding with each other, as to establish any fancied, or real claim, on property, that ought never to have been made, the subject of public controversy, in the hope, that in the spirit of manly candour, they will not hesitate, openly to avow, their disapprobation of a measure, so little calculated, to advance the interests, or respectability of the institution to which they belong. This is the more necessary on their parts, since with the really well disposed, and right minded part of the community, it cannot fail to excite feelings of the deepest regret, to be informed, that one of their number, a Minister of the Gospel, a man appointed to preach peace on Earth, and good will among men, has been actively engaged, in promoting strife and discord, by using his efforts, to circulate a production, bearing a character, such as that I have described. Such an avowal from them, might also have the effect, of causing the Reverend Gentleman, to whom I allude, (in spite of youthful impetuosity and self-conceit) to reflect—and at last to be convinced, that he has done the thing, which

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is not right; and guided by the advice of those, who have more discretion and more experience, a hope may be indulged, that he will not again, hastily lend his aid, towards the advancement of a measure, that can be productive of no good, but on the contrary must result in his own disgrace, and to the disadvantage of those, his injudicious zeal may have made him desirous of serving.—But to proceed—

The Letter of a Protestant of the Church of Scotland, begins with an assertion, not only illiberal in principle, but false in fact. After stating, that the seventh part of Canada is reserved, for the support and maintenance of, a Protestant Clergy, he proceeds as follows:—"The Clergy of the Church of England, have claimed, and obtained the management, and whole profits, of this munificent appropriation. They style themselves *The Protestant Clergy*, as if they were the only Protestant Clergy; their Church, *The Established Church of the Mother Country*, as if it were the only Established Church of the Mother Country—and they class with Protestant dissenters, their brethren of the Church of Scotland."

The ungracious spirit, manifested in this paragraph, is sufficiently apparent, but its falsehood consists in this, that although the management of the Clergy Reserves, has by the special order of

His Majesty, been entrusted to the Clergy of the Church of the England, yet they derive no *profit* whatever from them—the whole of these profits being in reserve, for the purpose of being applied, towards the endowment of *Rectories* and *Parsonages*, whenever they shall be created, and to whose use they are expressly limited, by 31 Geo. 3, as already stated, and I defy the Protestant of the Church of Scotland, or any other person to point out an instance, where a Clergyman of the established Church of England, derives any portion of his income from these reserves.

True it is, that when those profits, as they are termed, are bestowed, they can only be given, to *Clergymen of the Established Church of England, who are presented to Rectories or Parsonages*; at present, however, there are none such in U. Canada, nor, as is untruly asserted, by the Letter Writer, in another part of his pamphlet, has the title of *Parson* or *Rector* been assumed unauthorisedly, by any of the Clergy, of that venerable, and venerated establishment, in either of the Provinces.

At page 14 of his Pamphlet, this talented writer, after having in a triumphant manner declared, that *he had proved*, that the Clergy of the Church of England, were not entitled by the Quebec Act, to the whole profits of the Clergy Reserves, with an air of self sufficiency, proceeds to remark, that

"If his proofs, have proceeded further, and shown that they are not established in this country, according to the letter of the Quebec Act, each rectory not having assigned to it, a particular portion of land, and are therefore *not* **AN established Clergy in Canada, much less THE established Clergy**, to the exclusion of the Church of Scotland, they must blame themselves for exciting this discussion, by their GREEDINESS and INTOLERANCE." Truly it is no easy matter, to silence the emotions of contempt, and derision, excited by the perusal of this trashy invective.

If any Minister of the Kirk of Scotland, really adopts the opinions and sentiments expressed in the foregoing extract, I pity him for his ignorance, and lament his want of charity, and by way of endeavouring to recover him from his delusion, will beg of him to inquire of himself, calmly and dispassionately, whether there is, or is not, an *established Protestant Church in Canada?*—and by way of aiding him in his reply, I recommend him first, to read over the Speech of Mr. Pitt, (previously quoted,) explanatory of the views and intentions, of the British Government, when the present Constitution of the Canadas was conferred by the Imperial Parliament, and then let him bring to mind, the measures adopted in pursuance of those

views and intentions. Will he not see that a Bishop was sent, to preside over the *Church of England*, in these Provinces, and can he for a moment suppose, that a *Bishop* would have been sent, to preside over that Church, unless it was an *established Church*?

In fine, can any man pretending to possess ordinary understanding, be so ignorant as not to know, that the moment a Bishop, was appointed to this Country, the Church placed under his direction, became, an *established Church*. Or is there any one, so utterly stupid as to suppose, that a Bishop of the Church of England, having the power of Ordination, and exercising all the other functions, incident to his high station, could, or would be appointed to a See, wherein the Religion of that Church was not *established*?

On this point, I will in conclusion make this plain, and distinct assertion, founded on some knowledge of the subject, on which I write. *The Protestant Episcopal Church of England, is by common Law, and by various Statutes, THE Established Church of the whole British Empire, its Provinces, and Dependencies, throughout the Globe, (Scotland and such other places only excepted, as have a different Church establishment, specially confirmed to them, either by treaty, or by Act of*

Parliament,) and that it emphatically is, *THE established Church of Canada*; without prejudice however to the rights guaranteed by treaty, and different Acts of Parliament, to the Roman Catholic Church—and further, that no Minister, of the Kirk of Scotland, can claim any right, or privilege, in these Colonies, that he could not claim in ENGLAND. The Presbytery of the Church of Scotland, different from the Bishops of the Church of England, having no power of ordination, or right of interference, in matters relating to Church Government, out of the Kingdom of Scotland.—And these positions I am ready to maintain whenever they shall be controverted, by any temperate and respectable writer.

Proceeding with the examination I have engaged in, it is impossible not to be struck with the vulgarity of the Author of the Letter, as displayed in the charge of greediness, and intolerance, which he brings against the Clergy of the Church of England.

With reference to the first expression, instead of making an assertion, so little creditable to his taste, or feelings as a gentleman, it would have been better for this bold libeller, to have pointed out some case, in which these Reverend Gentlemen, have manifested greediness. In what in-

stance it may be asked, have they sought to seize that, to which they had no right, or on what occasion have they endeavored, to possess themselves of property, which did not belong to them? Go weak man: tell those, who to serve their own unworthy ends, have by flattering your vanity, induced you to engage in an undertaking, far beyond your limited talents to accomplish, that the calumny they have induced you to utter, against your innocent neighbours, recoils on their own guilty heads.

With equal propriety, I may in the second instance, ask, when, or where, the Clergy of the established Church of England, have manifested intolerance, or on what occasion they have opposed, or attempted to oppose, any religious sect in Canada, in the exercise of their religious worship, or in the slightest degree offered by any act of persecution, to disturb them in the free practice, and observance of their religious ordinances, and rules of Faith? If this cannot be proved, wherein consists the intolerance of the Clergy of the Church of England in Canada? Too plain it is, that the ignorance, or malignity, of the author of this accusation, has betrayed him into the use of a word, the meaning of which, he did not understand.

As little delicacy, and regard for truth, is manifested in the assertion, that the *rights, privilege*

get, and advantages of the Church of Scotland, have been taken from it, in the North American Colonies, by art and influence. Let me here again call on this calumniator, instead of making assertions, false as they are indecent, to point out the instance, in which, either the rights, privileges or advantages of the Kirk, have been denied to it, in these Provinces? If it has any rights, who has opposed them? Is it meant, that because the Laws of the Imperial Parliament, have prohibited the Government of Canada, from granting to the Ministers of the Kirk, a share of property, specially assigned for a totally different body of men—men who by the express terms of those Laws, never can exist in the Presbyterian Church, viz: *Parsons*, and *Rectors*, that therefore the rights, privileges or advantages of that Church, have been taken from it, by art, and influence—*Can that be taken from it, which it never had?*—Shame! to the man, who for the gratification of unhallowed hate, could advance such unfounded assertions—and still greater shame! to those, whose calling should have suppressed, rather than procured, the publication of such perversions of the truth.

To pursue this writer through his whole work, and to expose the still numerous vituperations,

with which it abounds, would, I am well aware, answer no very useful purpose. It must be apparent to every one, that independent of the coarseness of his style, he does not possess sufficient understanding to see, that at almost every step he takes, instead of supporting the position, he professes to be desirous of establishing, his efforts have a diametrically opposite tendency; but there are some few remarks, towards the close of his pamphlet, manifestly designed, to bring discredit on the Clergy, of the established Church of England in Canada, by underrating their influence, and usefulness, which as I happen to be aware, owe their publication, in a very particular manner, to one, whose duty as a Clergyman, and whose feelings as a Christian, should have forbid his entering on an attempt, so inconsistent with his character, that I am induced thus particularly to notice them. At page 17 it is stated, that in Kingston, the number of communicants of the Church of Scotland last year, was 114, and in one congregation of the same Church in Glengary was 500; and in contrast, it is stated, that the communicants of the Church of England at Bath the same year, was 15, and at Bellville 16. Independent of the fact, that the number of communicants, at the two latter places, were nearly, if not quite, three times the number stated, why it may be asked, did the Reverend Gentleman, who sup-

plied this statement, contrast two of the *least* numerous congregations, of the Church of England, with the two, *by far* most numerous, of those of his own persuasion? One of them indeed being situated in a settlement, composed almost exclusively of settlers from Scotland, and all of them professing, either the Roman Catholic or Presbyterian faith. Why I ask, did he not rather contrast, the number of the communicants of the Church of England, at Kingston, with those of the Kirk of Scotland at the same place? Let me answer, who know the motive—it would not suit his purpose, either as regards the gratification of his hatred, (alas! that the term should be just,) towards an establishment, which in defence of its adjudged rights, has been compelled, to resist his intemperate attempts, to encroach upon them, or his unhallowed desire, to raise himself in importance. He well knew, that if truth were advanced, it would appear, that in a population, a much larger proportion of whom are Presbyterians, than of any other single denomination of Christians, the number of communicants, of the Church of England, would be found to be far greater in proportion, than he could boast of, as being partakers of the Holy Sacrament, among his congregation.

I have already shown, that it was not my design to enter upon a defence of the Clergy, of the

established Church of England. When they are attacked, they have proved their ability, and are the best judges of the time, proper for them to enter on their defence, but I think it but just, as a member of one of the congregations over which they preside, to bear testimony to their usefulness, their piety, their unceasing labours, in endeavouring to advance the light of the Gospel, in the spirit of forbearance, meekness, and truth. If therefore schisms should arise, to disturb the harmony that ought to exist, among all denominations of Christian teachers, let them pursue the same course, they have hitherto followed, the evil consequences that may result, can never be chargeable upon them. It is not by the vain boastings of Pharisaical declaimers, that their characters can be injured, or their merits depreciated—that they are beloved and respected, throughout the Canadas, (notwithstanding the assertion, that *the genius of the established Church, to which they belong, is inconsistent with the genius of the people*—an assertion which involves a gross libel upon the whole community,) is best proved, by the anxiety which universally prevails, to procure the benefit and comfort, of their religious instruction, and society; and they may rest perfectly satisfied; that the rights which belong to them, will never be taken from them, to soothe the clamours of worldly, and envious revilers.

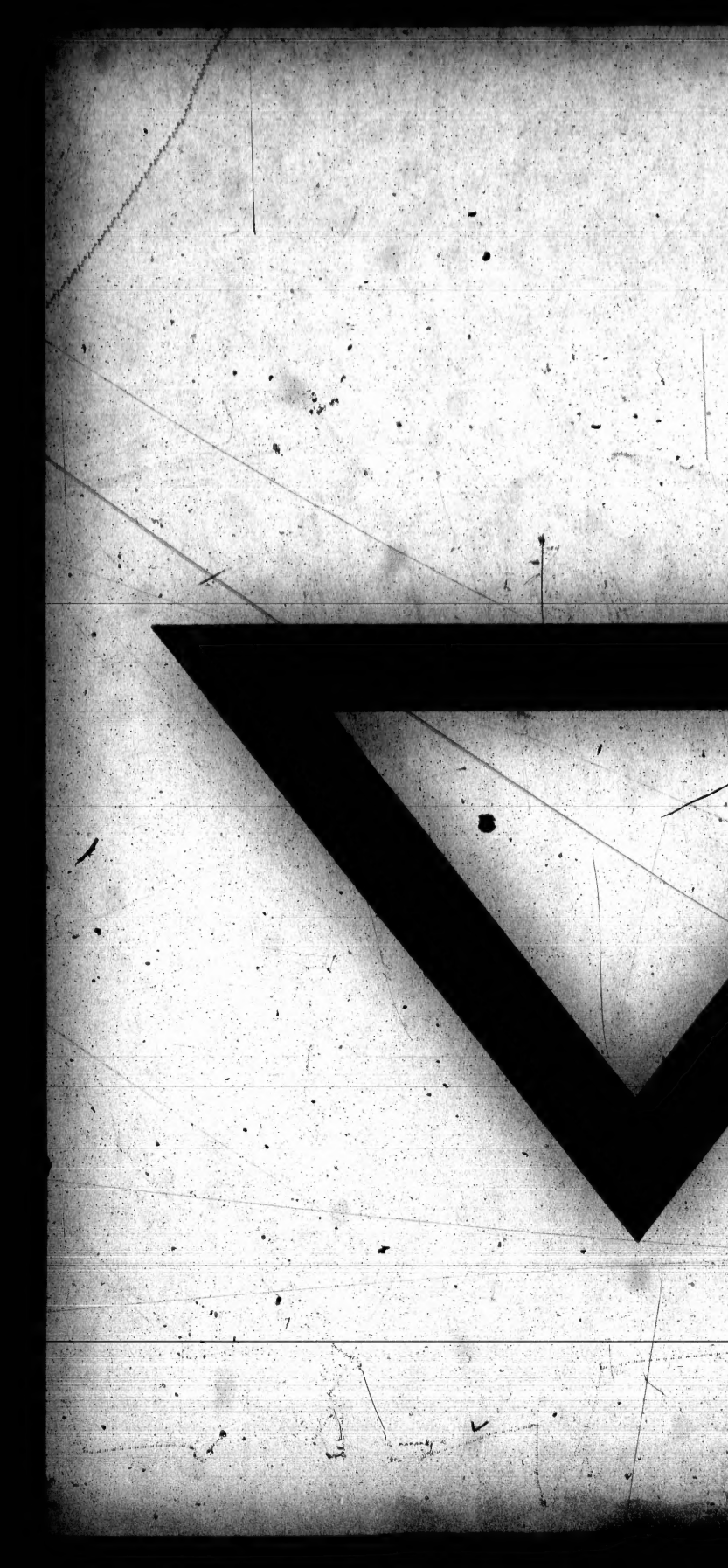
In conclusion, I wish it to be clearly understood, that I have not taken up my pen, to prove the right of the Clergy of the established Church of England, to the exclusive enjoyment of property, which by the bounty of a gracious, and good King, and his Parliament, was appropriated to their sole use and benefit—such an act would in my opinion, be an act of supererogation—my object has been, merely to expose the viciousness, and absurdities, of the publication alluded to, in my title page, a publication, which in my opinion, cannot fail to bring upon those, who have had the wickedness and folly, to promulgate it, the indignation of all wise and virtuous men. If it be thought expedient, to pursue the subject, beyond the boundary I have stopped at, the field is open to such as wish to enter it—it was not my design to occupy it.

A LAYMAN,

Of the Established Church of England.
 York, July 1, 1828.







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